

ISAAC CROW.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

WITH A COPY OF A COMMUNICATION FROM THE COMMISSIONER
OF THE GENERAL LAND OFFICE, RECOMMENDATIONS IN RELATION
TO THE CLAIM OF ISAAC CROW.

JANUARY 27, 1902.—Referred to the Committee on Private Land Claims and ordered
to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1902.

SIR: I have the honor to hand you herewith copy of a letter from the Commissioner of the General Land Office, dated the 22d instant, with accompanying papers, relative to lands in T. 6 N., R. 13 W., Louisiana meridian, reserved to satisfy the private claim known as the claim of Isaac Crow, reported to Congress under the act of June 22, 1860 (12 Stats., 85), as extended by supplementary legislation.

The history of said claim, as disclosed by the records of this Department, is set forth in the communication of the Commissioner, referred, and he recommends—

that the attention of Congress be invited to the case, with the recommendation that final action be taken by that body; and I will state that whatever may have been the merits of the case when the first report was made, in 1884, inasmuch as no one has taken any action looking to the confirmation of the claim during the past twelve or fifteen years, the claim may said to have been abandoned, and it would seem that Congress would now be justified in finally rejecting the same.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., January 22, 1902.

SIR: This office is in receipt of a communication dated December 5, 1901, from Mr. Ernest F. Wesche, New Orleans, La., selecting agent for the New Orleans Pacific Railway Company, relative to the lands in T. 6 N., R. 13 W., Louisiana meridian, reserved to satisfy the private claim known as the claim of Isaac Crow, reported to Congress under the act of June 22, 1860 (12 Stats., 85), as extended by supplementary legislation.

This private claim having been considered by the register and receiver at Natchitoches, La., under the said act of June 22, 1860, and having been favorably reported to this office in 1876, a report was made to the Department on March 7, 1884, by letter "D" of that date, in which the said claim was recommended for confirmation to the heirs and legal representatives of Frederick Williams, deceased, to the extent of one league square, as shown by the plat of survey and field notes constituting a part of the record in the case.

The report made by this office in 1884 was somewhat lengthy and reviewed in full all the evidence, both documentary and otherwise, that had been presented, and for the purposes of this communication it is deemed unnecessary to reproduce said report in full, and attention will therefore be called to the principal features of the case, in order that a connected view may be had of the matter.

The claim seems to have originated in 1797, when an application was made to the lieutenant-governor, residing at Nacogdoches, Tex., which place was at that time a part of the Spanish domain, for a grant of 8 leagues of land, being 4 leagues on each side of the river Sabine, at a place used for a ferry. The petition was filed by one Vincente Michele, and the petitioner was directed by the lieutenant-governor to apply to the land commissioner of the district, who was directed to leave him in possession of the land.

About five years afterwards the grantee sold the land to one Miguel Crow, who, it seems, was generally known as Isaac Crow, and under the act of May 11, 1820 (3 Stats., 573), the claim was presented in the name of Isaac Crow to the register of the land office at Opelousas.

The claim was recommended for confirmation by the register to the extent of 1 league square, but it was not confirmed at that time; hence it was again presented for confirmation under the aforesaid act of 1860.

It seems that the heirs of Crow sold the land to one Hugh McGuffin, and that the interests of McGuffin were sold by the sheriff to Wiley and Williams; and Williams having transferred his interest to Wiley, the latter, in turn, sold the land to Frederick Williams, upon whose death the succession was accepted by his daughter Lucretia, the applicant, before the register and receiver at Natchitoches.

It seems that when the heirs of Isaac Crow conveyed to McGuffin, in 1826, the tract of land was said to contain 1 square league in all, and it was stated in the office report of March 7, 1884, that because of that fact alone the claim could not be confirmed for any greater quantity than that contained in 1 league square.

In May, 1841, the surveyor-general of Louisiana issued an order of survey for this claim, which order was executed during that year by a United States deputy surveyor, who located the claim in T. 6 N., R. 13 W., as above stated, the same covering, in whole or in part, sec-

tions 9, 14, 15, 16, 17, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 33, and 34, of said township. While actually surveyed, however, the claim has never been laid down upon the township plat, and for that reason a large portion of the land covered by the claim has been disposed of by the United States.

After the office report of 1884, before mentioned, the claim was presented to the House of Representatives and referred to the Committee on Private Land Claims, on March 13, 1884, but it does not appear that any action was taken thereon at that time. It does appear, however, that in 1888 the Senate Committee on Private Land Claims transmitted to this office Senate bill No. 1583, entitled "A bill to confirm to Lucretia Williams the title to one square league of land in the State of Florida," and by letter "D" of July 20, 1888, addressed to the Department, this office called attention to the fact that the title of the bill was in error in locating the land in Florida, and attention was also called to the previous report of March 7, 1884, made in this case. The office further cited, in the report of July 20, 1888, the defects and informalities that existed in the case, and stated in conclusion that as an original proposition the office would decline to recommend the claim for confirmation, but inasmuch as the matter had been fully presented and discussed in the previous report; it was left for Congress to decide as to what legislation was proper in the premises.

So far as I am advised no further action has been taken in the case.

The letter received from Mr. Wesche, referred to herin, is accompanied by an affidavit from the assessor of Sabine Parish, La., in which parish is located the lands covered by this claim. The parish assessor states that in the exercise of his official duties he is required to visit each separate piece of property or tract of land to be assessed; that he has been on the land in Tp. 6 N., R. 13 W., said to be covered by the unconfirmed claim of Isaac Crow; that said land is not in the possession of anyone claiming it under the said private claim; that the records of his office show that no taxes have ever been paid to the State on behalf of Isaac Crow or his legal representatives, no such persons being known in the neighborhood; that the continuous and prolonged reservation of the land under this alleged claim, and the failure of the Federal Government to take prompt action in the case and definitely settle the question of title, either by rejecting or confirming the claim, has had the effect of retarding the development of the neighborhood and to deprive the State of revenue from the property.

The affiant concludes by stating that the general impression in the vicinity is that the Crow claim is without merit, and that many settlers have recently gone upon the land with the expectation of making entries, as it is believed that the land reserved will ultimately revert to the public domain of the United States.

Mr. Wesche calls attention to the fact that the lands reserved for this claim are within the indemnity limits of the grant made to the New Orleans Pacific Railway Company, and he states that said grant is known to be largely deficient; and in consideration of the doubtful validity of the Crow claim, Mr. Wesche requests in behalf of the company that the question both as to the legality and the location of said claim be passed upon by this office and the matter finally settled.

I will state that, under the provisions of the act of June 22, 1860, (*supra*), no land claimed under said act can be offered for sale or otherwise disposed of by the United States until final decision shall be made

on the validity of the claim. (See section 8 of the said act.) Notwithstanding this provision of the law, however, and notwithstanding the fact that efforts have been made, especially during the late years, by this office to prevent allowance of entries for lands reserved to satisfy this claim, inasmuch as the survey of the claim was not laid down on the township plats, some entries have been allowed, even comparatively recently, which entries include lands both within and without the surveyed limits of the claim. This could not be well avoided in some instances, owing to the fact that without a plat showing connections with the public surveys it is impracticable to tell whether or not certain of the subdivisions would fall within the limits of the claim. A number of homestead entries upon which final proof has been made are now suspended in this office for reason of partial conflict with this grant.

The matter is therefore respectfully submitted to the Department, with the recommendation that the attention of Congress be invited to the case, with the recommendation that final action be taken by that body, and I will state that, whatever might have been the merits of the case when the first report was made in 1884, inasmuch as no one has taken any action looking to the confirmation of the claim during the past twelve or fifteen years the claim may be said to have been abandoned, and it would seem that Congress would now be justified in finally rejecting the same.

I transmit herewith copies of Mr. Wesch's letter with its inclosure, and also a duplicate of this report.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

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